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September 29, 2022

The Honorable Gregory B. Williams
United States District Court
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Bear Box LLC, et al. v. Lancium LLC, et al.*,
C.A. No. 21-534- GBW-CJB

Dear Judge Williams:

I write on behalf of Plaintiffs BearBox LLC and Mr. Austin Storms in response to Defendants' letter to Your Honor dated September 28, 2022, renewing Defendants' request for oral argument on their summary judgment motions and noting that "the Court has not previously conducted claim construction in this case." D.I. 209.

What Defendants letter omits, however, is that the Court has not previously conducted claim construction because Defendants said it was not necessary, and even opposed Plaintiffs' request to extend the deadline by which to advise the Court of a claim construction dispute. D.I. 54 ("Defendants do not believe claim construction will be needed, and Defendants oppose Plaintiffs' attempt to extend the deadline in Paragraph 8 of the Scheduling Order until October 15, 2021."). At no point subsequent to that letter, prior to summary judgment, did Defendants change their position or notify the Court that claim construction was, in fact, needed.

Plaintiffs do not agree that Defendants are now entitled to raise a claim construction dispute, nor that there is even a genuine claim construction dispute that needs to be resolved, as set forth in Plaintiffs' summary judgment opposition brief. D.I. 176 at 15-19. Alternatively, if there is a dispute about a claim term, the parties have briefed the dispute in their summary judgment briefs, and any dispute can be resolved on the papers.

Should the Court wish to hear oral argument on summary judgment, Plaintiffs are available at the Court's convenience.

Respectfully,

/s/ Andrew C. Mayo

Andrew C. Mayo (#5207)

cc: All counsel of record (via electronic mail)